

JUL 25 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JEFFREY ANTHONY FRANKLIN,

Petitioner - Appellant,

v.

ROBERT A. HOREL, Warden,

Respondent - Appellee.

No. 07-56329

D.C. No. CV-06-06460-SJO

MEMORANDUM \*

Appeal from the United States District Court  
for the Central District of California  
S. James Otero, District Judge, Presiding

Submitted July 23, 2008\*\*  
San Francisco, California

Before: CANBY, RYMER, and TALLMAN, Circuit Judges.

On May 27, 2008, this court denied appellant's request for a certificate of appealability as unnecessary because he is not challenging a conviction or

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

No. 07-56329

imposition of sentence. By same order, this court ordered appellant to show cause as to why the district court's judgment should not be summarily affirmed for the reasons stated in its Order Denying Motion for Relief from Judgement or Order dated July 27, 2007.

A review of appellant's response to the court's order to show cause and the record indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Accordingly, we summarily affirm the district court's judgment.

All outstanding motions are denied as moot.

**AFFIRMED.**